

REMARKS

Claims 1, 4, 42, and 44 have been amended for added clarity, and claims 1, 2, 4, 5, and 42-45 are pending and under consideration. No new matter is presented in this Amendment.

Applicants extend its appreciation to the Examiner for entering the Amendment filed September 8, 2009, along with additional comments by the Examiner. Reconsideration is respectfully requested.

REJECTIONS UNDER 35 U.S.C. §112:

Applicants respectfully submit that instant rejection was addressed by the Amendment dated September 8, 2009, and there being no further objections/rejections in the Advisory Action, Applicant will herewith proceed to the remaining issues.

REJECTIONS UNDER 35 U.S.C. §102:

Claims 1, 2, 4, 5 and 42-45 are rejected under 35 U.S.C. §102(b) as being anticipated by Taira et al. (U.S. Patent 6,016,381). This rejection is respectfully traversed. For added clarity, independent claim 1 has been amended as follows:

“A data storage medium for use with a recording and/or reproducing apparatus, comprising:

 a first file comprising at least one clip, each clip comprising audio visual stream data and a timemap comprising information on reproduction time when the audio visual stream data is reproduced and information on a reproduction position of the audio visual stream data corresponding to the reproduction time;

 a second file comprising at least one reproduction information unit for reproducing audio visual stream data, each reproduction information unit comprising information indicating a reproduction interval of a corresponding clip; and

 a third file comprising navigation data including at least one command, each command controlling reproduction of a corresponding reproduction information unit,

 wherein the first file, the second file and the third file are recorded separately on the data storage medium.”

In particular, Applicants respectfully submit that Taira et al. does not disclose or suggest each and every feature recited in claim 1 presented above.

That is, independent claim 1 recites, among other features:

“a first file comprising at least one clip, each clip comprising audio visual stream data and a timemap comprising information on reproduction time when the audio visual stream data is reproduced and information on a reproduction position of the audio visual stream data corresponding to the reproduction time;”

“a second file comprising at least one reproduction information unit for reproducing audio visual stream data, each reproduction information unit comprising information indicating a reproduction interval of a corresponding clip;” and

“a third file comprising navigation data including at least one command, each command controlling reproduction of a corresponding reproduction information unit, wherein the first file, the second file and the third file are recorded separately on the data storage medium.”

Again, FIGS. 26 and 27 of the cited reference are similar to the Applicants’ admitted prior art in FIGs. 2, 3, and 9. FIG. 2 of the current application shows the Volume and File Structure of a conventional DVD in which the VMG and the VTS#n are recorded together. FIG. 3 shows that the VMG includes the VMGI, and FIG. 9 shows that the VMGI includes the TT_SRPT. Thus, the TT_SRPT of the VMGI of the VMG and the VTS#n were known to be recorded together. Applicants note that claim 1 recites that “the first file, the second file and the third file are recorded separately on the data storage medium.”

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Because the alleged reference fails to show or suggest each and every claimed feature as recited in claim 1, *prima facie* case of unpatentability has not been established. Therefore, it is respectfully requested that this rejection be withdrawn and that claim 1 be allowed to issue.

Because **claims 2, 4, and 5** depend upon and incorporate the features of claim 1, and in addition to features recited therein, claims 2, 4, and 5 are allowable for at least similar reasons as those with respect to claim 1. Thus, it is respectfully requested that these rejections be withdrawn

and that claims 2, 4, and 5 be allowed to issue.

Claim 42 includes features similar to the features of claim 1. As described above with respect to claim 1, it is submitted that Taira et al. fails to disclose each and every recited feature of claim 42. As such, it is respectfully requested that this rejection be withdrawn and that claim 42 be allowed to issue.

Because **claims 43-45** depend upon and incorporate the features of claim 42, in addition to features recited therein, claims 43-45 are allowable for at least similar reasons as claim 42. Thus, it is respectfully requested that this rejections be withdrawn and that claims 43-45 be allowed to issue.

Claims 1, 2, 4, 5 and 45-45 are rejected under 35 U.S.C. §102(b) as being anticipated by Kato et al. (U.S. Publication 2002/0164152).

It is submitted that Kato fails to anticipate the independent claims 1 and 42 as presented above.

That is, among other features it is respectfully submitted that Kato does not disclose or suggest each and every recited as recited below:

“a first file comprising at least one clip, each clip comprising audio visual stream data and a timemap comprising information on reproduction time when the audio visual stream data is reproduced and information on a reproduction position of the audio visual stream data corresponding to the reproduction time;”

“a second file comprising at least one reproduction information unit for reproducing audio visual stream data, each reproduction information unit comprising information indicating a reproduction interval of a corresponding clip;” and

“a third file comprising navigation data including at least one command, each command controlling reproduction of a corresponding reproduction information unit, wherein the first file, the second file and the third file are recorded separately on the data storage medium.”

The Real PlayList disclosed by Kato appears to be a master playlist that co-owns the information in the Clip such that when the Real PlayList is manipulated, the Clip is manipulated, i.e.,

if a portion of the Real Playlist is deleted, the playback domains in the Clip are also deleted. The Virtual Playlist does not co-own the Clip data, but is merely a list of virtual playback domains of Clip, i.e., a list of chosen or manipulated playback domains in the Clip, which does not affect the underlying Clip information.

Because **claims 2, 4, and 5** depend upon and incorporate the features of claim 1, in addition to features recited therein, claims 2, 4, and 5 are allowable for at least similar reasons as those with respect to claim 1. Thus, it is respectfully requested that these rejections be withdrawn and that claims 2, 4, and 5 be allowed to issue.

Claim 42 includes features similar to the features of claim 1. As described above, it is respectfully submitted that Kato et al. fails to disclose each and every recited feature of claim 42. As such, it is respectfully requested that this rejection be withdrawn and that claim 42 be allowed to issue. Because claims 43-45 depend upon and incorporate the features of claim 42, in addition to features recited therein, claims 43-45 are allowable for at least similar reasons as claim 42. Thus, it is respectfully requested that this rejections be withdrawn and that claims 43-45 be allowed to issue.

If the rejection over alleged references is maintained, Applicant respectfully request specific citations from alleged references for showing each and every recited element of Applicant's Claims as presented above.

It is respectfully submitted that neither Taira et al. nor Kato discloses or suggests each and every element of the instant Claims. Accordingly, since all of the features of independent Claims are not taught, disclosed, nor suggested by the cited references, Applicant respectfully submits that a *prima facie* case of unpatentability has not established. Therefore, withdrawal of the rejection and allowance of the claims are respectfully requested.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,

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